

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA

VS.

MARC GARRETT ROSENTHAL

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CRIMINAL NO. B-11-cr-743

Notice of Submission of Evidence

COMES NOW, MARC GARRETT ROSENTHAL, Defendant herein and files this Notice of Submission of Evidence to inform the Court that certain recordings and an affidavit were delivered under seal to the Assistant United States Attorney, Michael Wynne, on October 31, 2011 as reflected in the attached transmittal letter. This Notice of Submission of Evidence is filed to inform the Court that due notice has been given to the Government of allegations of wrongful conduct that may affect the prosecution of this case.

Respectfully submitted,

**LAW OFFICES OF
ERNESTO GAMEZ, JR., P.C.**
777 East Harrison Street
Brownsville, Texas 78520
TEL/ (956) 541-3820
FAX/ (956) 541-7694
E-Mail: egamezlaw@aol.com

BY: /s/Ernesto Gamez, Jr.
ERNESTO GAMEZ, JR.
State Bar No. 07606600
Federal Id No. 8645

JOHN PATRICK SMITH
ATTORNEY AT LAW
2726 Bissonnet Street, Suite 240-210
Houston, Texas 77005-1352
Telephone No. (713) 498-9903
Facsimile No. (713) 583-9546

BY: /s/ John Patrick Smith
JOHN PATRICK SMITH
Texas Bar # 18629500
Federal Id. No. 1043

Attorneys for Defendant
MARC ROSENTHAL

CERTIFICATE OF SERVICE

I, **ERNESTO GAMEZ, JR.**, hereby certify that on this 2nd day of November, 2011, a true and correct copy of the foregoing Notice of Submission of Evidence was served via electronically to Assistant United States Attorneys, Mr. Michael J. Wynne and Mr. Oscar Ponce, United States District Court, Southern District of Texas, 600 E. Harrison Street, Suite 201, Brownsville, Texas, 78520.

/s/ Ernesto Gamez, Jr.
ERNESTO GAMEZ, JR.

October 28, 2011

Mr. Michael J. Wynne
Assistant U.S. Attorney
Southern District of Texas
919 Milam, Suite 1500
Houston, Texas 77002

In Re Marc G. Rosenthal: Reported Incidents of FBI Witness Tampering.

Dear Michael:

With this letter we are delivering to you, under seal, written allegations with supporting evidence of witness tampering by the FBI Office in its pursuit of Marc G. Rosenthal.

What is being provided to you are statements from two individuals reporting separate but similar intimidation tactics, such as threat of arrest or indictment, if these individuals did not change their story and accuse Marc Rosenthal of wrongdoing. One incident occurred before the indictment of Mr. Rosenthal and the other occurred after the indictment. Both were done by the same FBI Agent, and both under the supervision of the San Antonio FBI office.

You will note that the two individuals that make similar allegations of the wrongful tactics by the same FBI Agent do not know each other, have not talked to each other, and live hundreds of miles apart.

We believe you will find this evidence compelling enough to demand that the FBI Regional headquarters and the Department of Justice conduct an investigation for possible obstruction of justice charges or other charges concerning illegal pattern and practice conduct. As attorneys we have the professional and ethical responsibility to report this matter to the proper authorities, as well as protect our Client from false accusations.

Respectfully submitted,

Law Offices of Ernesto Gamez, Jr., P.C.

/s/ Ernesto Gamez, Jr.
Ernesto Gamez, Jr.

/s/George Munoz, Esq.
George Munoz, Esq.